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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,708	03/28/2001	Shawn P. McAllister	1400.4100285	4616

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EXAMINER

HAN, CLEMENCE S

ART UNIT PAPER NUMBER

2616

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/821,708	MCALLISTER ET AL.	
	Examiner	Art Unit	
	Clemence Han	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 17, 23-25, 30, 31, 33, 35-40 and 42-45 is/are rejected.
- 7) ☒ Claim(s) 11-16, 18-22, 26-29, 32, 34, 41 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1-10, 17, 23-25, 30, 31, 33, 35-40 and 42-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al. (US 6,304,549).

Regarding to claim 1, Srinivasan teaches a method for rerouting a connection in a data communication network, comprising: establishing the connection in the data communication network, wherein the connection is managed by a control plane 105, 200 (Column 7 Line 32-41); monitoring status of a selected characteristic of the connection using a user connection monitoring function 315; and when the status of the selected characteristic is determined to be unacceptable, initiating control plane rerouting of the connection (Column 17 Line 22-25).

Regarding to claim 2, Srinivasan teaches the selected characteristic includes continuity on the connection (Column 17 Line 1-4).

Regarding to claim 3, Srinivasan teaches the selected characteristic includes at least one of: data corruption on the connection, data loss on the connection, latency along the connection, and misinsertion of data on the connection (Column 2 Line 57-61).

Regarding to claim 4, Srinivasan teaches the data communication network supports asynchronous transfer mode (ATM) protocol (Column 5 Line 2-8).

Regarding to claim 5, Srinivasan teaches the control plane is a signaling plane (Column 5 Line 43 – Column 6 Line 12, see Figure 3).

Regarding to claim 6, Srinivasan teaches the signaling plane uses private network-to-network interface (PNNI) 56.

Regarding to claim 7, Srinivasan teaches the connection is a soft permanent virtual connection (SPVC) (Column 2 Line 32).

Regarding to claim 8, Srinivasan teaches the connection is a switched connection (Figure 1).

Regarding to claim 9, Srinivasan teaches the user connection monitoring function utilizes operation and management (OAM) cells (Column 16 Line 58-62).

Regarding to claim 10, Srinivasan teaches the user connection monitoring function includes OAM continuity checking (Column 16 Line 58-66).

Regarding to claim 17, Srinivasan teaches initiating control plane rerouting of the connection further comprises initiating a soft reroute (Column 17 Line 22-25).

Regarding to claim 23, Srinivasan teaches a data communication network, comprising: a source node (End Host A in Figure 1); a destination node (End Host

B in Figure 1) operably coupled to the source node via a first connection that carries a data stream, wherein the source node injects diagnostic traffic into the data stream, wherein the destination node monitors the diagnostic traffic (OAM in Column 16 Line 58-62) in the data stream; and a control block 50 operably coupled to the source node and the destination node, wherein when status of a selected characteristic associated with the diagnostic traffic is determined to be unacceptable, the control block performs a control plane reroute that establishes a second connection that couples the source node and the destination node (Column 17 Line 22-25).

Regarding to claim 24, Srinivasan teaches the data stream includes a plurality of asynchronous transfer mode (ATM) cells (Column 5 Line 2-8).

Regarding to claim 25, Srinivasan teaches the diagnostic traffic includes operation and management (OAM) continuity checking cells (Column 16 Line 58-66).

Regarding to claim 30, Srinivasan teaches the first and second connections are soft permanent virtual circuits (Column 2 Line 32).

Regarding to claim 31, Srinivasan teaches the first and second connections are switched connections (Figure 1).

Regarding to claim 33, Srinivasan teaches the control block establishes the second connection as a part of a soft reroute (Column 17 Line 22-25).

Regarding to claim 35, Srinivasan teaches the selected characteristic includes at least one of: data corruption on the first connection, data loss on the first connection, latency along the first connection, and misinsertion of data on the first connection (Column 2 Line 57-61).

Regarding to claim 36, Srinivasan teaches a method for rerouting a connection in an asynchronous transfer mode (ATM) data communication network, comprising: establishing the soft permanent virtual connection (SPVC) in the ATM data communication network (Column 2 Line 32), wherein the connection is managed by a control plane 105, 200 (Column 7 Line 32-41); using operation and management (OAM) cells to monitor at least one characteristic of the connection (Column 16 Line 58-62); and when status of the at least one characteristic is determined to be unacceptable, initiating control plane rerouting of the connection (Column 17 Line 22-25).

Regarding to claim 37, Srinivasan teaches the connection is a soft permanent virtual connection (SPVC) (Column 2 Line 32).

Regarding to claim 38, Srinivasan teaches the connection is switched virtual connection (SVC) (Column 7 Line 61-65).

Regarding to claim 39, Srinivasan teaches the control plane is a signaling plane (Column 5 Line 43 – Column 6 Line 12, see Figure 3).

Regarding to claim 40, Srinivasan teaches the signaling plane uses private network-to-network interface (PNNI) 56.

Regarding to claim 42, Srinivasan teaches a method for rerouting a connection in a data communication network, comprising: detecting a fault in the connection in the user plane 315; and triggering a reroute of the connection in the control plane based on the fault detected (Column 17 Line 22-25).

Regarding to claim 43, Srinivasan teaches detecting a fault further comprises detecting a fault using operation and management (OAM) services running within the user plane (Column 16 Line 58-62).

Regarding to claim 44, Srinivasan teaches the connection is a soft permanent virtual connection (SPVC) (Column 2 Line 32).

Regarding to claim 45, Srinivasan teaches triggering a reroute further comprises triggering a soft reroute (Column 17 Line 22-25).

Response to Arguments

3. Applicant's arguments with respect to claim 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claim 11-16, 18-22, 26-29, 32, 34, 41 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 5,241,534 to Omuro et al.

U.S. Patent 5,347,271 to Iwasaki

U.S. Patent 6,061,735 to Rogers

U.S. Patent 6,301,252 to Rangachar

U.S. Patent 6,470,385 to Nakashima et al.

U.S. Pub. 2002/0015386 to Kajiwara

U.S. Pub. 2005/0259571 to Battou


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is

(571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.H.
Clemence Han
Examiner
Art Unit 2668


STEVEN NGUYEN
PRIMARY EXAMINER